CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

# Draft convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction

The States Parties to this Convention

Agreeing that the existence of chemical weapons represents a threat to mankind, and that chemical discoveries should be used only for the benefit of humanity,

Concerned that advances in science and technology may lead to the development of new generations of chemical weapons,

Convinced that the prohibition of the development, production and stockpiling of chemical weapons and their elimination, through effective measures, is a necessary step towards the achievement of general and complete disarmament under strict and effective international control,

Recognizing the important significance of the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and conscious of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that each State Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on

Their Destruction, in Article IX of that Convention, affirmed the recognized objectives of effective prohibition of chemical weapons and, to this end, undertook to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical weapon agents,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Have agreed as follows:

ARTICLE I

Each State Party to this Convention undertakes never, in any circumstances, to develop, produce, or otherwise acquire, or use:

a. lethal chemical agents and other toxic chemicals agents (of a nature and intended primarily to cause long-term physiological harm to human beings), of types and in quantities that have no justification for protective or other peaceful purposes;

b. munitions, equipment or systems designed to deliver such agents for hostile purposes or in armed conflict.

ARTICLE II

1. Notwithstanding the provisions of Article XVI, each signatory or acceding State undertakes on signature or accession to the Convention, whether or not it has entered into force:

a. to declare whether or not it is in possession of the

agents, munitions, equipment and systems specified in Article I;

b. to supply information about the type and quantity of the agents specified in /rticle I in its possession;

c. to supply information regarding all production facilities on its territory capable of producing the agents, munitions, equipment and systems specified in Article I;

d. to supply information about the type and quantity of the agents specified in Article I which it produces for protective or other peaceful purposes and the location of the factories producing these agents and thereafter to render an annual return of similar information;

e. to supply information as to which national organisation or authority is charged with collecting the information referred to in sub-paragraphs b.c. and d. of this paragraph and ensuring in accordance with Article V that public and private agencies and factories comply with the Convention from its entry into force.

2. The declaration and information referred to in sub-paragraphs a. to e. of paragraph 1 shall be communicated to the /Depositary/ until the Consultative Committee is established in accordance with Article VIII and thereafter to that Committee. The /Depositary/ or the Committee as the case may be shall promptly circulate the declaration and information to /all signatory and acceding States/ /all States entitled to become party to the Convention/.

ARTICLE III

Each signatory or acceding State undertakes on signature or accession to this Convention, whether or not it has entered into force:

a. to close down, dismantle or convert to peaceful purposes any factories producing the agents specified in Article I;

b. not to convert from production for peaceful purposes any of the factories listed in response to Article II, 1,d,;

c. not to construct any new factories for the production of the agents specified in Article I of types and in quantities other than those required for peaceful purposes;

d. to close down, dismantle or convert to conventional purposes factories or facilities producing or filling those munitions, equipment or systems specified in Article I.

ARTICLE IV

The undertakings accepted by Signatories upon signature shall cease to apply if this Convention does not enter into force within ..... years of the date when the Convention was opened for signature.

ARTICLE V

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stock-piling, acquisition or retention of the agents and munitions equipment and systems, specified in Article I of the Convention within the territory of such state under its jurisdiction or

under its control anywhere.

ARTICLE VI

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever directly or indirectly and not in any way to assist, encourage or induce any State, group of States or international organisation to manufacture or otherwise acquire any of the agents, munitions equipment or systems specified in Article I of the Convention.

ARTICLE VII

Each State Party to this Convention possessing agents specified in Article I undertakes to destroy or convert them to peaceful uses under international observation as provided for in Article IX d. according to a phased programme agreed by the Consultative Committee. Each State Party to this Convention possessing stockpiles of munitions equipment or systems specified in Article I undertakes to convert them to conventional use or to destroy them.

ARTICLE VIII

States Parties to the Convention undertake to establish a Consultative Committee from among themselves to oversee the working of this Convention. The functions of the Committee shall include the following:

a. to analyse and evaluate periodic reports and statistical and other information submitted by each State Party in accordance with the provisions of Article II, 1, b., c. and d.

b. to call for such supplementary information under Article II, 1, d. as they consider necessary;

c. to request information and conduct enquiries if asked to do so by a State Party;

d. to verify the destruction of stockpiles and to conduct other inspections in accordance with Articles VII, IX and X;

e. to send notification and reports to all States Parties following verification procedures;

f. to consult and co-operate with the national organisation or authority referred to in Article II, 1, e.

ARTICLE IX

Each State Party to this Convention undertakes to accept:

a. inspection within six months of the entry into force of the Convention by persons appointed by the Consultative Committee of any factory formerly producing the agents specified in Article I, to ensure that it had ceased such production; such personnel to be allowed access into the buildings and to take samples from the environment;

b. the employment and periodic inspection of tamper indicating seals on the doors, control panels and other designated locations of former military chemical agent factories which have not been demolished or converted to peaceful uses and former chemical munitions factories which have not been demolished or converted to conventional uses;

c. /up to ten/ /a number of/ on-site inspections each year by the persons appointed by the Consultative Committee of chemical factories to be selected from those listed under Article II. The factories shall be examined to ensure that they are not producing agents specified in Article I. 1.d. The inspectors

shall be given such access to the factories as is necessary to perform their tasks and be allowed to take such samples as the Consultative Committee has agreed are necessary;

d. in the case of States possessing agents, munitions, equipment and systems specified in Article I inspection by persons appointed by the Consultative Committee who shall be given such access to the destruction process as the Consultative Committee agree is necessary for the task of verification.

ARTICLE X

1. States Parties to this Convention undertake to consult one another directly or through the Consultative Committee and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of, the provisions of the Convention. Any State Party which suspects that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may request directly or through the Consultative Committee that State Party to provide explanation. The complaining Party may also call for a special investigation which may involve on-site inspection to be carried out by the Consultative Committee or by persons appointed by it. Each State Party agrees to accept such on-site inspection which the Consultative Committee may consider necessary.

2. Nothing in this Article shall detract from the right of any State Party to lodge a complaint with the Security Council of the United Nations.

ARTICLE XI

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 or under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons opened for signature on 10 April 1972.

ARTICLE XII

1. Each State Party to this Convention undertakes to facilitate and has the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of chemical agents for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organisations in the further development and application of scientific discoveries in the field of chemistry for peaceful purposes and for therapy and prophylaxis against chemcial agents.

2. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful chemical activities.

ARTICLE XIII

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each

remaining State on the date of acceptance by it of the amendments.

ARTICLE XIV

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the /Depositary/, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention with a view to ensuring that the purposes of the preamble and the provisions of the Convention are being realised. Such review shall take into account any new scientific and technological developments relevant to the Convention.

ARTICLE XV

1. This Convention shall be of unlimited duration.

2. Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

ARTICLE XVI

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the /Depositary/.

3. This Convention shall enter into force after the deposit of instruments of ratification by ..... governments.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The /Depositary/ shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

6. This Convention shall be registered by the /Depositary/ pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XVII

This Convention, the English, Russian, French, Spanish, Arabic and Chinese texts of which are equally authentic, shall be deposited in the archives of the /Depositary/. Duly certified copies of the Convention shall be transmitted by the /Depositary/ to the governments of the signatory and acceding States.